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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/382,709	08/23/99	CEDERBERG	C S855-001-PAT
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PM82/1006

EXAMINER

PORTERIE, B

ART UNIT

PAPER NUMBER

3635

DATE MAILED:

10/06/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/382,709

Applicant(s)

CEDERBERG, CULLY T.

Examiner

L. Bennett Porterie, Jr.

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1 - 18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1 - 6 is/are allowed.
- 6) ☐ Claim(s) 7 - 18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 8-23-99 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

The following office action responds to patent application Serial Number 09/382,709 filed on 8/23/99 entitled "The Door Jamb."

Drawings

The drawings filed on 8/23/99 require correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. Formal drawings will be required when the application is allowed.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "56" in Fig. 4 seems to designate both "side wall" and the "cavity" of the "exterior portion." Correction is required.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Here, the abstract includes the word "said." Also, it refers to "an outerelement," but then it refers to "out . . . elements"

Claim Rejections - 35 USC § 112

The following quotes from the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 & 18 rejected under 35 U.S.C. 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 refers to "a corner key forming a miterless meeting surface." But Fig. 6 shows a corner key with a miter joint. Claim 18 recites the limitation "said intermediate element" in p. 20, line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7 – 10 & 13 - 17 rejected under 35 U.S.C. 102(b) as being anticipated by Adams, U.S. Patent 5,787,660 & Winston, U.S. Patent 5,365,708. Regarding claim 7, Fig. 1 of Adams shows horizontal jamb outer ends that connect two vertical jamb's upper ends. Fig. 2 of Adams shows a jamb with two elements or parts. Fig. 11 of Adams shows a first element including a hollow tube with a decorative part and a structural part. Fig. 11 also shows a second element that mounts or aligns with the wall and with part of the second element partly inserted into the first element's cavity. Finally, Fig. 3 shows a means to secure the first and second elements into a rough door opening.

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Regarding claims 8 & 9, Adams has a two-piece extruded vinyl door jamb. As to claims 10 & 16, Figs. 12a & 12b of Adams show a corner piece that connects the two side jamb's top ends with the head jamb's outer ends as a single unit. For claim 15, Adams in Fig. 2 shows a first section with walls that define a cavity that secures part of the second section together as a unit. For claim 17, Fig.'s 3a & 3b of Winston show a first element's walls that define a track & a second element that slides partly into the track to adjust for the wall's width.

Claims 12 and 15 rejected under 35 U.S.C. 102(b) as being anticipated by Adams. Regarding claim 12, Fig. 11 of Adams shows a two-part jamb assembly in which vinyl jamb member second section 111 has a thicker part (leg segment 144), and a reduced thickness part (body segment 142) which define a track in which vinyl jamb member first section 112 slides into the track to provide the selected width for the door jamb. As to claim 15, second section 111 has walls that define a cavity to receive and secure first section 112 with second section 111 as a unit.

Claim 13 rejected under 35 U.S.C. 102(b) as being anticipated by Peterson, U.S. Patent 5,048,997. Fig. 3 of Peterson shows a corner piece with two arms including tabs with cross-sectional area almost equal to the cross-sectional area of two spacer bars so that the two arms slide into the spacer bars. So the corner piece extends into or connects the two spacer bars.

Claim 14 rejected under 35 U.S.C. 102(b) as being anticipated by Adams. Fig. 4 of Adams shows an extruded jamb member second section 11 that aligns with the inner

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wall. Also, Fig.4 shows that part of second section 11 engages with extruded jamb member first section 12 to secure the two elements together as a single unit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Winston and Adams. Fig.'s 3a & 3b of Winston show a 3-part door jamb assembly with two L-shaped shoulders 24 and 36 positioned so that shoulder 36 can receive shoulder 24 or slide within the track that shoulder 36 creates to adjust for the wall's thickness. And fig. 5 of Winston shows casing member 48 which serves as a decorative strip and second elongated member 14. Furthermore, col. 3, lines 12 – 17 of Winston state that its members are preferably wood although it also states that the invention also contemplates other materials. So Winston does not expressly show extruded or tubular vinyl jamb members. But Adams has extruded vinyl jamb members. So at the time that the inventor made this invention, it would have been obvious to one of ordinary skill in the art to form Winston's elements out of extruded vinyl as Adams teaches because vinyl is a well-known door jamb material that is easier to manufacture and costs less.

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Allowable Subject Matter

Claims 1 – 6 allowed.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to L. Bennett Porterie, Jr. whose telephone number is 703-305-3012. The examiner can normally be reached on Monday - Friday from 7:30 to 4:30 Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman, can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-308-3687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

LBP
Oct. 4, 2000


Carl D. Friedman
Supervisory Patent Examiner
Group 3600